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November 3, 1982
ARGENTINA PROJECT (S200000044)

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Margaret P. Grafeld, Director

(☒) Release (☐) Excise (☐) Deny

Exemption(s): _____

Declassify: (☐) In Part (☐) In Full

(☐) Classify as _____ (☐) Extend as _____ (☐) Downgrade to _____

Date _____ Declassify on _____ Reason _____

Honorable George P. Shultz
Secretary of State
Washington, D.C. 20520

Dear Mr. Secretary:

I am writing to express my concern over continued human rights abuses in El Salvador, Chile and Argentina. As you know, U.S. military aid to Chile and Argentina was originally prohibited by amendments which I introduced in 1976 and 1977, respectively, and I co-sponsored the Joint Resolution on El Salvador this past July which required the President to include, in his second certification of human rights progress in that country, a determination that its government had made good faith efforts to resolve the murders of six U.S. citizens and to investigate the disappearance of journalist John Sullivan in 1981. In view of my past involvement in these issues, I wanted you to know of my serious apprehension over current developments in all three countries.

After the emphasis which the United States Congress has placed on the necessity of significant improvements in El Salvador's human rights record, as a condition for continued American military and economic assistance, I am dismayed to see that human rights abuses in that country are, if anything, becoming more flagrant. Rather than bringing to justice those responsible for the murders of the six Americans, El Salvador's courts, reportedly under physical threat, have ruled that there is insufficient evidence to prosecute those accused of responsibility for the deaths of two American labor representatives. Rather than beginning discussions with major political factions, the government has rejected offers for peace talks from the Democratic Revolutionary Front. Rather than achieving control over the armed forces, the government authorities have acknowledged that they are holding eight of the opposition political leaders who were abducted in October, and have provided no information on at least seven others who disappeared in the same sweep by security forces.

I welcome signs that the Administration is making clear to the authorities in San Salvador that U.S. military aid will end unless the human rights situation in that country improves significantly. The United States should insist that full legal rights guaranteed by El Salvador's Constitution and its Code of Criminal Procedures be accorded to the opposition political leaders being held by government security forces. It will not

go unnoticed if civilian political prisoners are subjected to a system of summary military justice, while military personnel implicated in the murders of American religious workers have yet to be brought to trial two years after those deaths occurred. I am sure you are well aware that, under present conditions, any new Presidential certification of human rights progress in El Salvador would be vigorously challenged both publicly and in the Congress as in glaring contradiction with reality.

Similarly, in Chile, the human rights situation has worsened in the past year. Arbitrary detention, torture, internal exile and banishment continue. Arrests for political offenses have increased. Whatever its ultimate disposition, the pending expulsion sentence against eight government critics, including two directors of the Chilean Human Rights Commission, represents the latest example of the Pinochet regime's aggressive campaign to stamp out all dissent. That regime has completely failed to comply with international obligations in the Letelier-Moffitt murders. In sum, it has clearly not made "significant progress in complying with internationally recognized principles of human rights," as required by Section 726 of the Foreign Assistance Act.

In light of this deplorable record, I was deeply disturbed to learn that senior Department of State and National Security Council officials had declared publicly in Chile this past July that the Administration is working for "full normalization of relations" and sees the Congressional embargo on military assistance as a "persistent problem" and "a burden which we hope to resolve in due course." I hope you share my conviction that the Congressional role in this matter represents, not some mischievous impediment to the Administration's foreign policy prerogatives, but rather a legitimate manifestation of our national resolve to refrain from assistance to a regime which engages in systematic and gross violations of human rights at home and which a U.S. grand jury found to be responsible for terrorist killings on the streets of Washington.

Finally, in Argentina, while many political prisoners have been released and some restrictions on political activity relaxed, there has been no corresponding move to break the government's long silence on the thousands of disappearances under military rule and to accord due process to those who remain in detention. Instead, Argentina's army rulers have sought to block any inquiry into these abuses and tried unsuccessfully to ban the courageous October 5 "March for Life" organized by the Mothers of the Plaza de Mayo to demand information on their disappeared loved ones, freedom for remaining political prisoners, and an end to Argentina's state of siege. Families of witnesses in legal proceedings which implicate former members of the military junta

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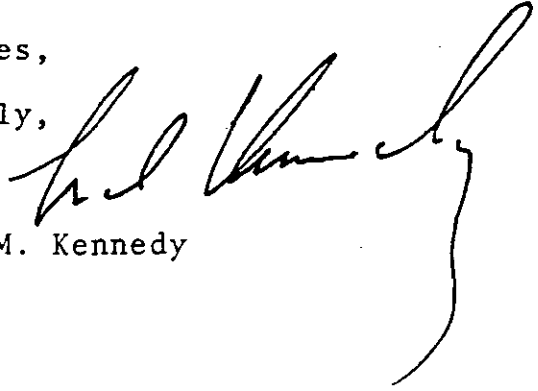
risk serious intimidation and even death. Clearly there has been inadequate progress toward respect for human rights in Argentina.

I am of course well aware of broader foreign policy factors which are at stake in each of these countries. I hope you will give due weight as well to the continuing resistance of the Salvadoran authorities to negotiations or even dialogue with their political opposition, to the risk of future military conflict between Argentina and either Chile or Great Britain, and to the continuing Argentine development of nuclear explosive capabilities which represents such a profound threat to international stability. Neither these dangers nor continuing human rights violations will be reduced by Presidential certifications which fly in the face of already documented facts in each of the countries.

I know that you must share my dismay at the continued inadequate improvement in respect for human rights in El Salvador, Chile and Argentina. I would be grateful to have your personal assessment of the situation in these countries, and your assurance that, in the absence of truly significant improvements, the Administration will not attempt to certify that significant human rights progress is being made.

With thanks and best personal wishes,

Sincerely,


Edward M. Kennedy